

Meeting of the Planning Board of the Town of Lewisboro held at the Town Offices at Orchard Square, 20 Cross River Plaza, Lower Level, Cross River, New York on Tuesday, June 17, 2014 at 7:30 p.m.

Present: Jerome Kerner, Chairman
Robert Goett
Gregory LaSorsa
John O'Donnell
Ron Tetelman
Judson Siebert, Esq., Keane & Beane P.C., Planning Board Counsel
Greg Monteleone, Esq., Special Counsel
David Sessions, RLA, AICP, Kellard Sessions Consulting, Wetland Inspector
Jan Johannessen, AICP, Kellard Sessions Consulting, Town Planner/Wetland Consultant
Joseph Cermele, PE, Kellard Sessions Consulting, Town Engineer
Lisa Pisera, Planning Board Secretary

Also in Attendance: Janet Andersen, Conservation Advisory Council (CAC).

The Chairman called the meeting to order at 7:32 p.m. and noted the emergency exits.

I. PUBLIC HEARING

Rudolph C. Petruccelli, Oscaleta Road, South Salem, New York - Application for Subdivision Plat Approval and Wetland Activity Permit Approval to permit the construction of a three bedroom, single-family residence and associated deck, porch, driveway, walkway, landscaping, septic system, potable well, fencing and stormwater facilities. Cal # 8-12PB and Cal# 61-09 WP

At the request of the applicant, the public hearing was postponed until July 15, 2014.

II. DECISION

Hazelnut Farm, 21 Waccabuc River Lane, South Salem, (Lynn Bygott, owner of record) - Application for Waiver of Site Development Plan Procedures to construct a covered riding ring - Cal # 7-13PB

Lynn Bygott, owner, was present.

Mr. Johannessen reviewed the resolution prepared by Kellard Sessions.

Mr. O'Donnell stated that much effort was put into the (Riding Academy) legislation and questioned whether the Horse Management Plan was a functional substitute for a site plan.

Mr. Siebert stated that the Horse Management Plan is a component of the site plan which is necessary for a riding academy. The Horse Management Plan becomes part and parcel of the approval.

Mr. Seibert confirmed that this approval is for a site plan, like any other site plan. The statute has particular provisions for the riding academy. The legislation that was adopted for the purposes of easing the process is more of a procedural vehicle to make the process more expedited. In terms of the review authority of the Planning Board under a site plan, the responsibilities and powers hold true to this site plan, as they would to any other.

Mr. O'Donnell stated that at the May 20, 2014 meeting, it was suggested that a site walk be scheduled to assess erosion, fencing, and encroachment. Mr. Johannessen stated that a site walk had been scheduled, but was later cancelled by the applicant.

Mr. Johannessen stated that a condition of the resolution is that the fencing be removed and an inspection takes place prior to the issuance of a Certificate of Occupancy.

Mr. Johannessen stated that there was concern regarding the wetland trail. It had been suggested by the Board that Kellard Sessions go to the site to determine the condition of the trail. Items to be assessed were erosion, invasive species along the brook, and paddock fencing.

Mr. Johannessen confirmed for Mr. O'Donnell that the proposed resolution encourages the applicant to reopen the trail. Should improvements need to take place within the wetland buffer, the wetland permit would be handled administratively by the Wetland Inspector.

Mr. Johannessen stated that the proposed resolution contains a condition that the Horse Management Plan be amended to include manure management within the paddocks. Manure management in the roadway was not included in the resolution, but could be added if the Board desires.

Mr. Kerner stated that the dialogue that occurred at the May 20, 2014 meeting showed good will and cooperation between all parties with regard to the repair of the trails. Ms. Bygott confirmed her intent to cooperate.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the Waiver of Site Development Plan Approval was granted to Hazelnut Farm, 21 Waccabuc River Lane.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

On a motion made by Mr. O'Donnell, seconded by Mr. Tetelman, the resolution dated June 17, 2014 granting Site Development Plan Approval and Town Stormwater Permit Approval to Hazelnut Farm, 21 Waccabuc River Lane, was adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. Tetelman.

Abstain: Mr. O'Donnell.

Mr. Johannessen provided Ms. Bygott with a copy of the (unsigned) resolution.

III. EXTENSION OF TIME

Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem – Final Subdivision Plat Approval - Request for extension of time to meet requirements of amended approval resolution dated September 28, 2010 - Cal# 8-02 PB

James DeLalla, DeLalla & Associates, was present on behalf of the applicants.

On a motion made by Mr. Goett, seconded by Mr. LaSorsa, a 90-day extension of time to September 14, 2014 was granted to Pasquale Popoli & Angelo Sicuranza, 1437 Route 35, South Salem, to comply with the conditions of the resolution dated December 8, 2009 granting Final Cluster Subdivision Approval.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

Mr. Johannessen stated that the wetland permit expires on September 26, 2014; this is an administrative permit.

Mr. Siebert confirmed for Mr. Johannessen and the Board that it will be the determination of the Wetland Inspector whether or not to extend the permit administratively.

IV. PROJECT REVIEW

Connie Plaehn, 14 Gilbert Street, South Salem – Application for Wetland Activity Permit Approval to install a 312 square foot floating dock and approximately 64 square foot garden shed at Lake Truesdale – Cal# 16-14WP

Michael Sirignano, Esq., represented the applicant. Jeri Barrett, architect, was present on behalf of the applicant. Connie Plaehn, owner, was also present.

Mr. Barrett reviewed the changes made to the plan.

Mr. Barrett stated that the dock has been reduced by approximately 35%. The size of the proposed dock platform has been reduced to 12ft x 12ft. The size of the proposed gangway has been reduced to 4ft x 15 ft. These reductions result in a 204 square foot dock.

The emergent plantings along the lake wall have been removed from the plan.

Mr. Barrett stated that the property line extends into the lake. This has been shown on the revised plan.

Mr. Barrett stated that a dock study had been submitted (included in agenda packet). Mr. Barrett stated that the proposed dock is in line with the docks included on the study.

Mr. Sirignano stated that he has received dock configurations set by the Truesdale Estates Association (TEA) and Truesdale Lake Property Owners Association (TLPOA). Mr. Sirignano stated that the proposed dock meets the standards set in the dock configurations.

Mr. Howard Citron represented the TEA, TLPOA, and Vreeland Association.

Mr. Citron stated that a committee was formed with individuals from each of the three above-mentioned associations. Members of the committee had surveyed, by boat, the docks along the lake.

Mr. Citron submitted a document titled TEA/TLPOA Floating Dock Configuration (Attachment A).

In response to Mr. Tetelman, Mr. Sirignano stated that the garage will be cleaned out, and the cement poured prior to the end of the school year.

Ms. Andersen questioned if fabrication would be necessary for the stone flooring under the shed. Mr. Barrett stated that no stone cutting would be involved in the flooring.

The time frame of the project was discussed. Mr. Barrett stated that construction of the dock and the shed would each take approximately two weeks.

Mr. Sirignano stated that he did not anticipate a problem obtaining an easement from the TEA.

Mr. Tetelman stated that construction continuing through the summer is a concern.

Mr. Kerner stated that a resolution would be prepared for the July 15, 2014 meeting.

Oakridge Gardens (Smith Ridge Housing, LLC, owner of record), NYS Route 123, Vista - Application for Waiver of Site Plan Development Procedures - Amendment to the approval dated June 12, 2012, last amended September 24, 2012 - Cal# 2-14PB

Phil Pine arrived late to the meeting. Bob Eberts, Cross River Architects, was also present.

Mr. Pine was not present when Mr. Eberts had displayed the renderings approved at the most recent Architecture and Community Appearance Review Council (ACARC) meeting. Mr. O'Donnell summarized for Mr. Pine that the Board had no issue with the colors proposed, window elimination, layouts of the parking, and paving timing.

Mr. Pine indicated that he would obtain blasting procedures from the Building Department.

Mr. Pine confirmed for Mr. Goett that should blasting be required, notification to affected neighbors would be sent, as required.

Mr. Johannessen stated that the prior Negative Declaration prohibits blasting. There are a number of items that need to be amended for site plan approval. The blasting could be included on the list of items. The technical reports would be submitted to the Building Department if and when Mr. Pine needs to blast.

In response to Mr. O'Donnell, Mr. Pine stated that the nearest occupied area to the proposed blasting area is Vista Indoor Tennis, Inc., and the Sunoco Station.

Mr. Johannessen stated that there are items contained in the Kellard Sessions memo dated June 11, 2014 that need to be addressed. A Short EAF is needed.

Mr. Pine stated that he would go back to the Westchester County Department of Health to discuss the need for a revised plat, or an as-built.

A resolution will be prepared for the July 15, 2014 meeting to amend the prior Negative Declaration and Resolution.

V. WETLAND VIOLATIONS

Barry Bocklet, 15 South Shore Drive, South Salem - Construction within the Town of Lewisboro 150-foot wetland buffer without benefit of a Wetland Permit - Cal# 3-14WV

Mr. Bocklet was present. Mr. Barry Naderman, PE, was also present.

Mr. O'Donnell stated that he is acquainted with Mr. Bocklet.

Mr. Sessions reviewed the violation.

Mr. Sessions stated that Kellard Sessions had received a call from the Building Department informing Kellard Sessions that activity was taking place on the subject property. The existing deck was being enlarged; a slab (patio) was constructed below the deck; and footings for piers were constructed. The Building Department stopped the work and contacted Kellard Sessions. Kellard Sessions went to the property and viewed activity taking place 40-50 feet from the lake. A Stop Work Order and Notice of Violation were issued by the Wetland Inspector on May 22, 2014.

At the time the Building Department was on the property, the roof was partially off. All work was stopped.

The Building Department gave permission for the roof to be closed up so that there would be no interior damage

No building permit was obtained.

Mr. Naderman shared photos with the Board.

Mr. Naderman stated that shortly after the Bocklets purchased the property, he had made drainage recommendations. The Bocklets had plans drawn that were signed off on by the Lake Association. A contractor was hired. Prior to submitting for a building permit, the Bocklets decided not go forward with the plans for the addition. The contractor suggested that some of the other work be started. Work was started and the contractor then passed away.

Mr. Naderman indicated on the photos where the rotted deck had been, the new piers that had been put up, and the existing gravel trench with drainage piping that led to the lake.

Mr. Naderman reviewed what had existed on the site.

Mr. Naderman stated that he is hoping to get the drainage into some sort of infiltration practice prior to overflow. The current discharge is heading toward the lake.

Mr. Naderman stated that there is no survey. On this property, Block CAMP, Lot 16, Sheet 33D, residents own the footprint of the building.

Mr. Sessions stated that there was no direct erosion into the lake. Mr. Sessions referred to the photograph of the driveway to describe the flow of the drainage. Mr. Sessions stated that there was evidence that the drainage was heading to the lake, but that it had been stabilized.

Mr. Naderman stated that a silt fence had been put up.

Mr. Naderman viewed the photos taken by the Building Department. Mr. Naderman confirmed the accuracy of the photos.

Mr. Monteleone stated that a guilty plea had been received.

Mr. Sessions stated that the next step is for the applicant to submit drawings and an application for Wetland Activity Permit Approval. Mr. Bocklet was instructed to submit \$750 as an initial deposit to establish an escrow account for the project.

Mr. Johannessen stated his belief that Michael DeCandia, architect for Mr. Bocklet, had received permission from Paul Bauer, Deputy Building Inspector, to close up the house to prevent weather damage. Mr. Naderman confirmed his intent to make the house weather tight, and do no further construction.

Mr. Monteleone stated that the Building Permit and violation should be handled simultaneously.

Ms. Andersen asked for clarification of setback rules regarding the property with respect to the fact that the property consists of the footprint of the building.

Mr. Johannessen stated his belief that the Zoning Board of Appeals (ZBA) has identified a list of procedures for projects in this development.

The applicant was instructed to submit the plans, application, and escrow by June 26, 2014 in order to appear on the July 15, 2014 agenda.

James Sandler, 28 Lake Street, Goldens Bridge - Construction within the Town of Lewisboro 150-foot wetland buffer without benefit of a Wetland Permit - Cal# 4-14WV

James Sandler, owner, was present. Tom Stolzer, architect, was present on behalf of the applicant.

Mr. Sessions stated that the violation occurred near Timber Lake in Goldens Bridge.

Mr. Monteleone stated that a signed summons had not been received. Mr. Monteleone, Mr. Sandler, and Mr. Stolzer stepped out to discuss the options available to Mr. Sandler. Upon return, Mr. Sandler entered a guilty plea to the violation and a signed summons was submitted.

Mr. Sessions stated that an Environmental Questionnaire had been submitted to the Town for a number of additions proposed by the applicant. Construction, without the issuance of a Building Permit, had already begun when Kellard Sessions visited the site. The work was being done within the wetland buffer. A Stop Work Order and Notice of Violation were issued by the Wetland Inspector on May 22, 2014. Mr. Sessions displayed photos that had been taken. Mr. Sessions stated that this action would require Planning Board review.

Mr. Stolzer stated that he had been retained in December 2013 after Paul Bauer had been to the site. Since that time, Mr. Stolzer became aware that one of the additions started by the owner was over the setback line. Mr. Stolzer stated that an application for a variance was approved approximately two weeks ago; shortly afterward, the violation was received. Mr. Stolzer stated that he was advised by the Building Department not to apply for a wetland permit at this time, as it was uncertain whether the application would be for a demolition, or improvements.

Mr. Stolzer confirmed that prior to his hiring, no professional was involved in the project. There was no contractor. All construction was done by the homeowner.

Mr. Stolzer stated that after necessary mitigation options are explored, the plan may need to be downsized.

Mr. Sandler agreed to remove the logs within the wetland buffer.

The applicant was instructed to contact Mr. Sessions to discuss what is required going forward.

Mr. Sessions stated that a \$2,000 escrow be established as part of the Wetland Activity Permit application.

A control date of September 30, 2014 was set.

The applicant was informed that the submission date for the August 19, 2014 meeting is July 22, 2014.

VI. DISCUSSION

Town of Lewisboro Bike and Pedestrian Plan

Dan Welsh, Town Board member, reviewed the plan.

Mr. Welsh stated that the Hamlet meetings discussed at a previous Planning Board meeting had been completed.

Twenty-eight suggestions were received. One of these suggestions was to create a walking path along the stretch of Route 35 from the hamlet (South Salem) to the Farmer's Market (at Gossett Nursery on Route 35, South Salem). Another suggestion was to create a connection from the South Salem hamlet to Ridgefield, Connecticut.

Mr. Welsh submitted to the Board a letter from the Town to the Department of Transportation (DOT) regarding the Bike and Pedestrian Plan. (The Planning Board Secretary did not receive a copy of this letter).

Mr. Welsh stated that a "bike lane" is approximately four feet wide. The roads in Lewisboro do not have room for bike lanes. Mr. Welsh stated that Lewisboro may possibly be able to create enhanced shoulders, which would send a signal that the road is a shared road.

Mr. Kerner commended Mr. Welsh on the hard work he has put into the Bike and Pedestrian Plan.

Mr. Goett asked Mr. Welsh to outline the next short term steps to be taken.

Mr. Welsh stated that several factors will be considered when determining the order in which projects identified on the plan will take place: ease/timeliness of completion; community support (John Jay High School/Michelle Estates); and safety.

Ms. Andersen stated that the CAC is in support of the plan.

On a motion by Mr. O'Donnell, seconded by Mr. Tetelman, a Sense of the Board resolution in support of the Bike and Pedestrian Plan was adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

South Salem Fire Department, Dry Hydrant, 5 Adams Hill Road, South Salem (Lichtenstein, owner of record) – Application for Wetland Activity Permit Approval to install a dry hydrant

Mike Lombardi represented the South Salem Fire Department (SSFD).

The Board determined that the proposed action would be handled administratively by the Town Wetland Inspector, with the requirement that counsel review the paperwork submitted with regard to ownership and access by the SSFD.

Mr. Johannessen stated that a Highway Work Permit may be required.

VII. MINUTES OF MAY 20, 2014

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the minutes of May 20, 2014 were adopted.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell, Mr. Tetelman.

VIII. EXECUTIVE SESSION AND ADJOURNMENT

On a motion made by Mr. Tetelman, seconded by Mr. LaSorsa, the Board entered into Executive Session with counsel for attorney/client privilege discussions at 9:12 p.m.

During Executive Session, Mr. Tetelman excused himself from the meeting.

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the Board exited Executive Session at 9:55 p.m.

In favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

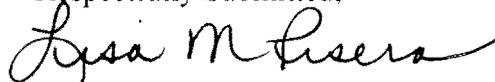
Recused: Mr. Tetelman.

On a motion made by Mr. LaSorsa, seconded by Mr. Goett, the meeting was adjourned at 9:55p.m.

In Favor: Mr. Goett, Mr. Kerner, Mr. LaSorsa, Mr. O'Donnell.

Recused: Mr. Tetelman.

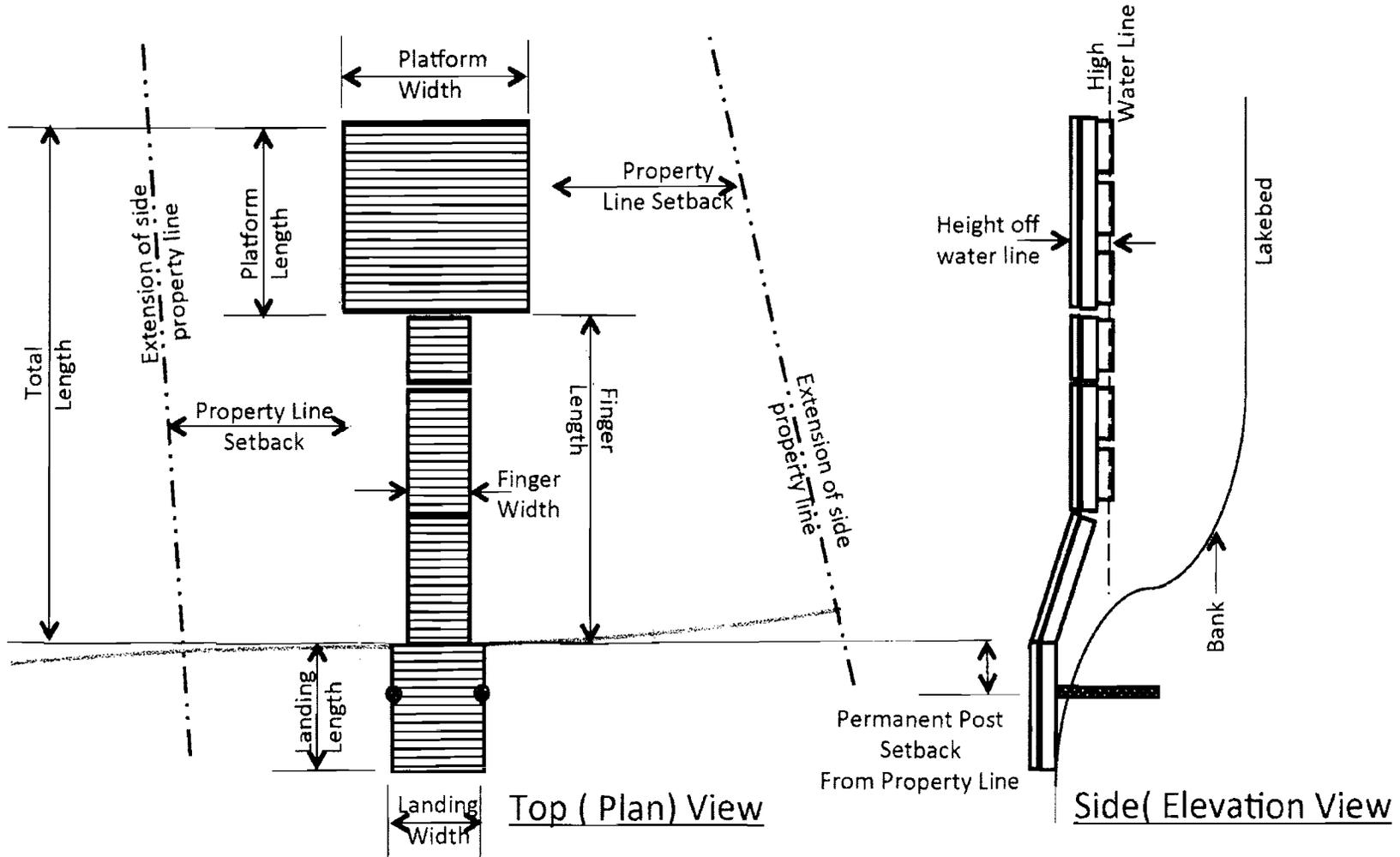
Respectfully Submitted,



Lisa M. Pisera
Planning Board Secretary

TEA/TLPOA Floating Dock Configuration

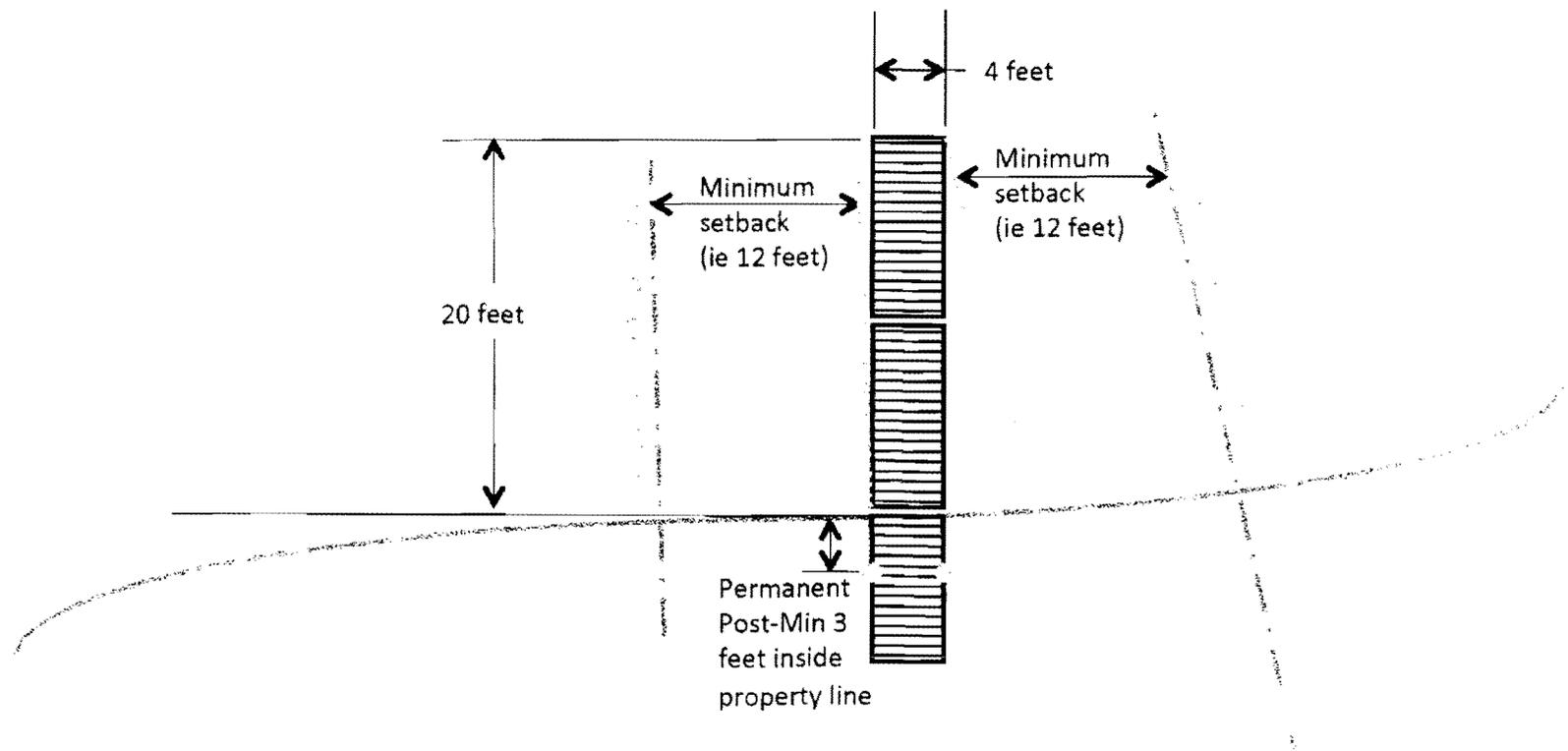
This illustration is not to scale and is provided as an applicant convenience only to assist in identifying the significant dimensions, details and specifications necessary to review any application. Please provide information appropriate for your proposed project.



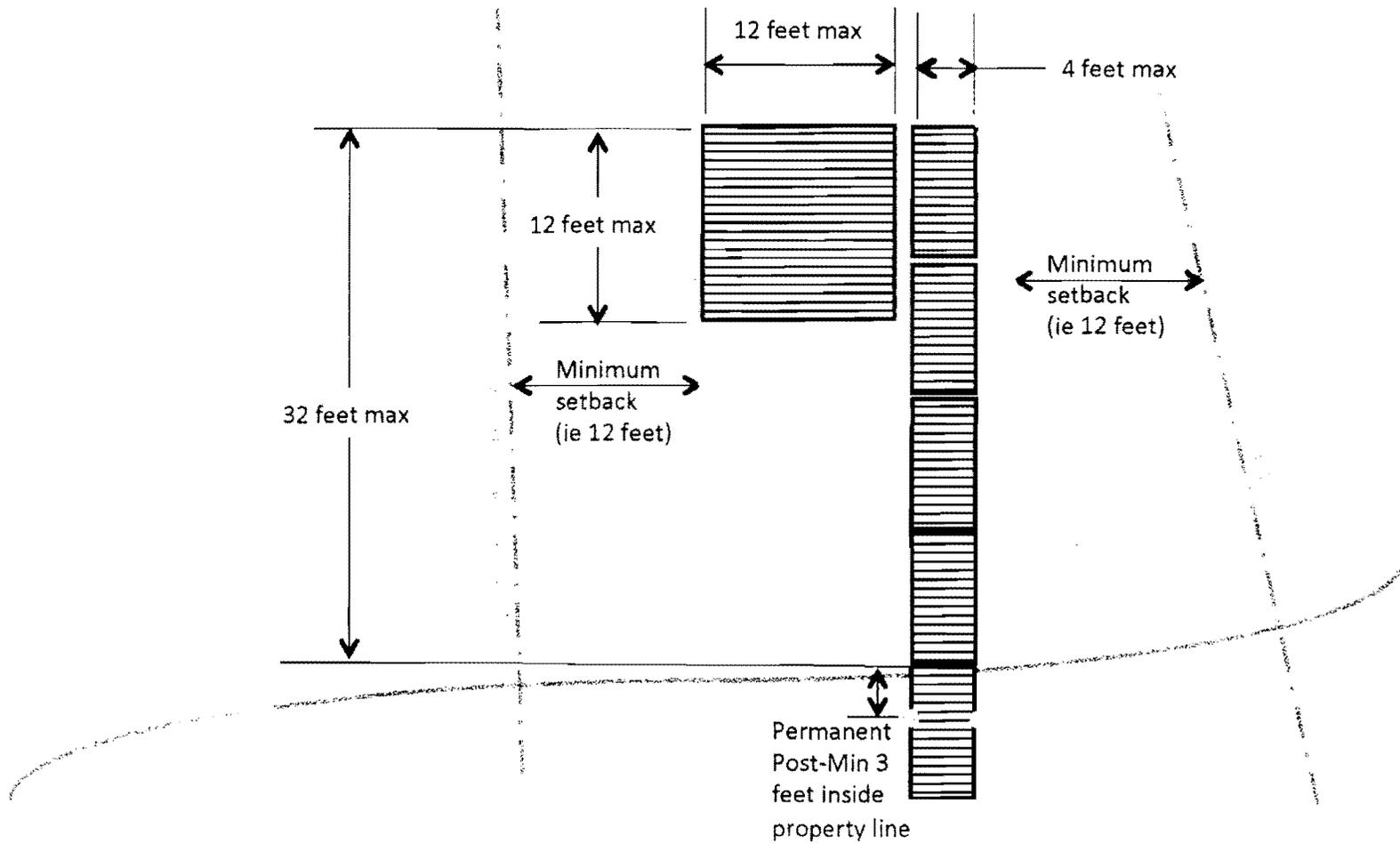
CONSTRUCTION DETAILS: The drawings should include the location and extent of all structures, improvements and uses desired to be permitted on property. The drawings and/or other supporting documentation should include, as applicable, dimensions of all structures, materials to be used, anchoring systems, proposed ground disturbance, vegetation cutting or clearing, and proposed access improvements(ie paths, stairs and trails)

ATTACHMENT A
6-17-14 Minutes

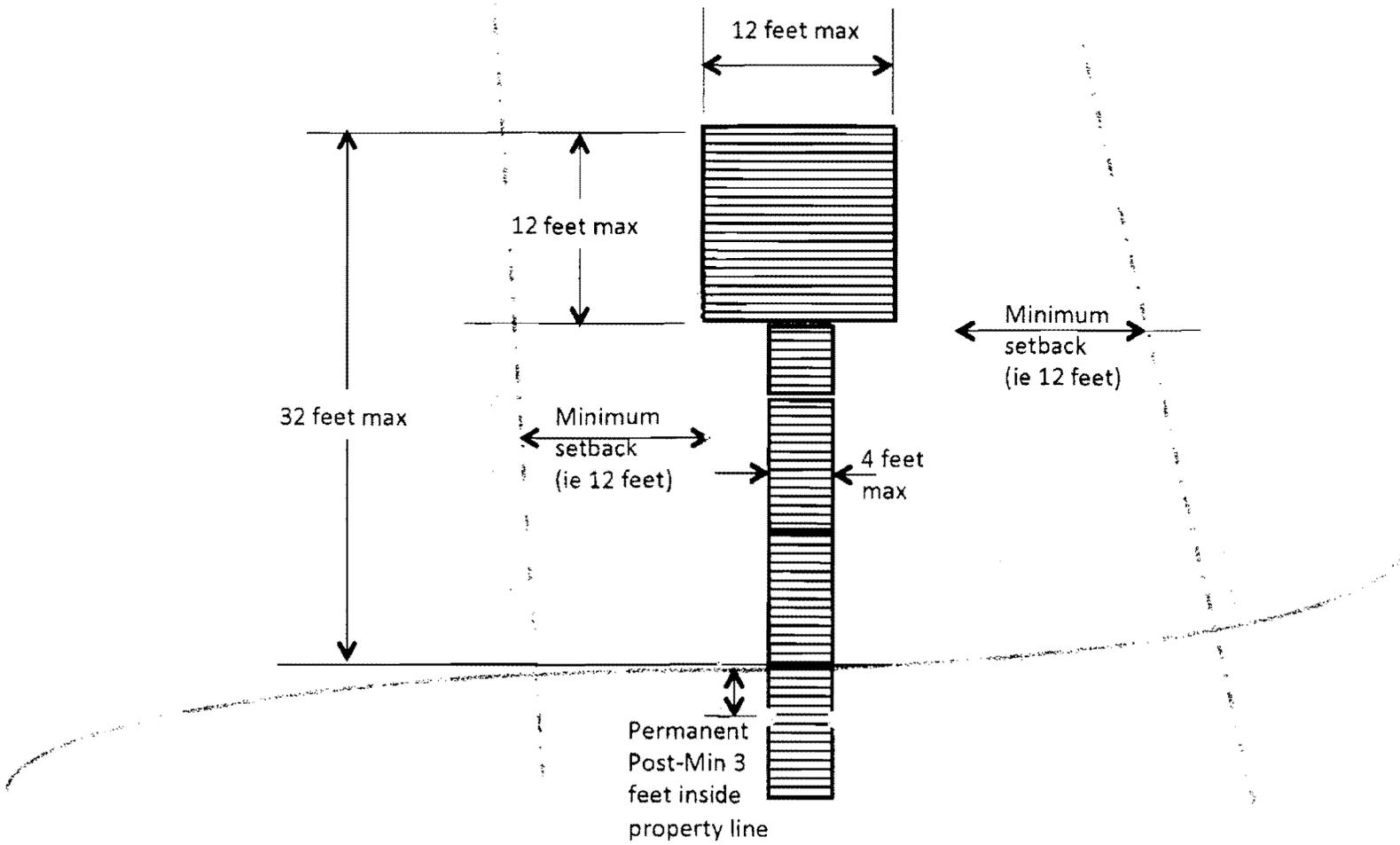
Suggested TEA/TLPOA Configuration



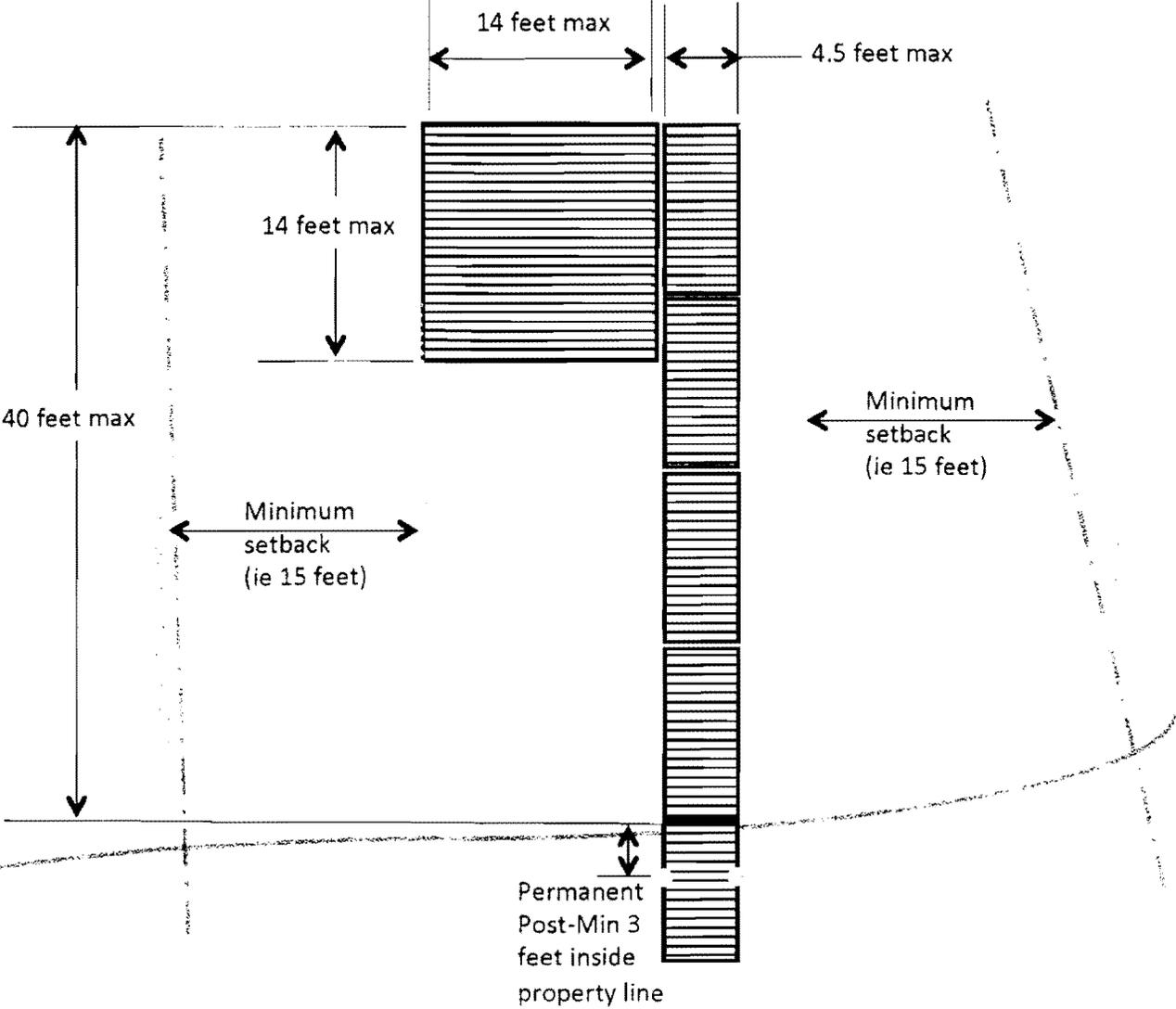
Maximum TEA/TLPOA Configuration (for properties $\leq 1/2$ acre OR ≤ 50 foot frontage)



Maximum TEA/TLPOA Configuration
(for properties $\leq 1/2$ acre OR ≤ 50 foot frontage)

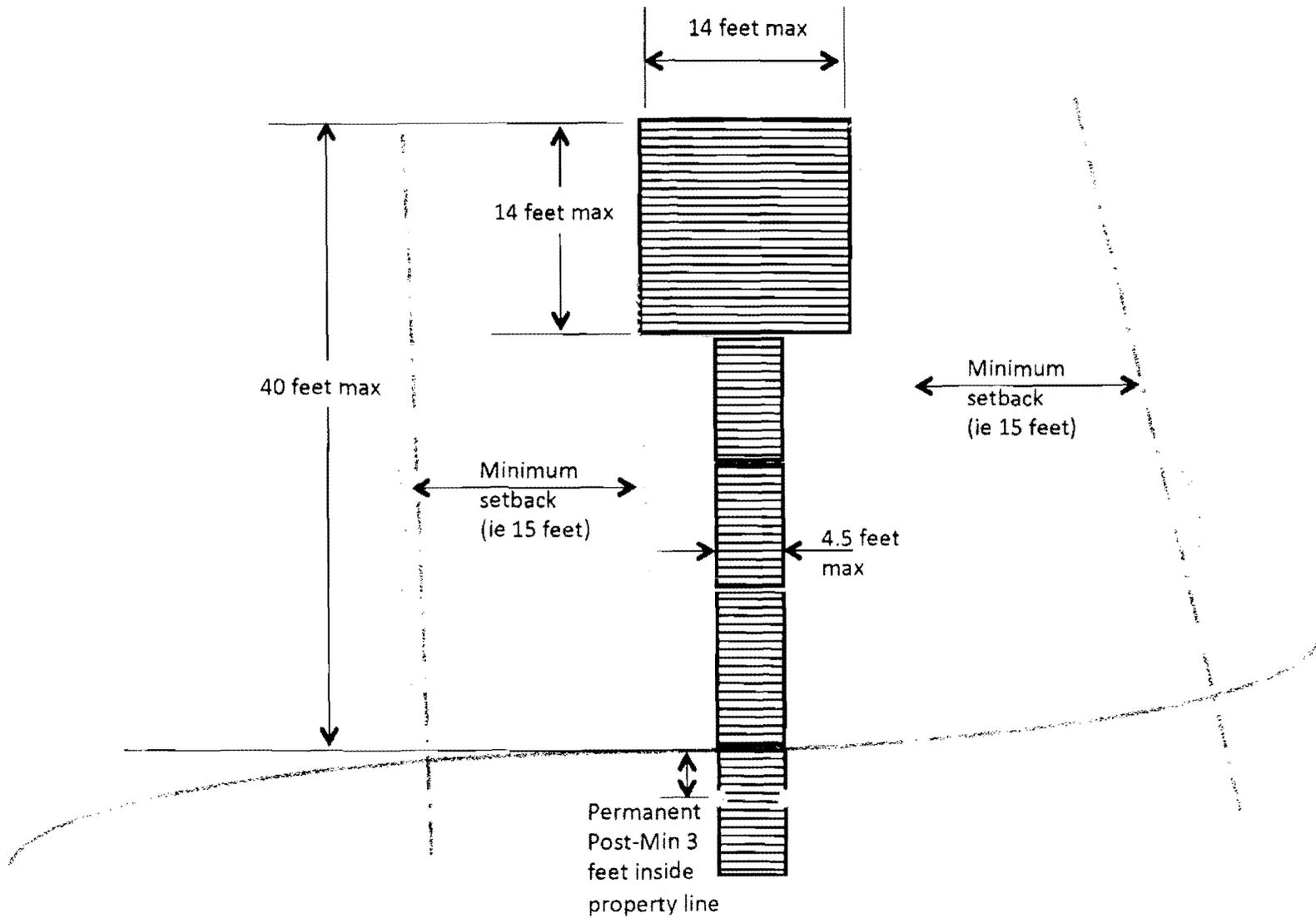


Maximum TEA/TLPOA Configuration (for properties > 1/2 acre AND > 50 foot frontage)



TEA/TLPOA Configuration

(for properties > 1/2 acre AND > 50 foot frontage)



Dock Configuration Limited by Property Lines and Setback

